

REMARKS:

1. Summary of the Rejections in the Office Action of December 13, 2004

At paragraph 3, on page 2 of the Office Action, the Examiner rejects claims 1-21 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by U.S. Patent No. 4,972,463 to Danielson *et al.* (“Danielson”) in view of U.S. Patent No. 6,084,528 to Beach *et al.* (“Beach”). This is the only rejection in the above-titled patent application.

2. 35 U.S.C. § 103(a) Rejections

At paragraph 3, on page 2 of the Office Action, the Examiner rejects claims 1-21 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Danielson in view of Beach.

The Applicants respectfully TRAVERSE the Examiner’s rejection and asserts the following remarks in response:

In order for the Examiner to establish a prima facie case for obviousness, three (3) criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as the Examiner proposes. Second, there must be a reasonable expectation of success in connection with the Examiner’s proposed combination of the references. And third, the prior art references must **disclose or suggest all of the claim limitations**. MPEP 2143. Further, “[i]t is improper to combine references where the references **teach away from their combination**.” MPEP 2145. The Applicant maintains that the Examiner fails to establish a prima facie case for obviousness because the prior art references do not disclose or suggest all of the claimed

limitations of claims 1-21, and Danielson teaches away from its modification to include those claimed limitations of claims 1-21, which are missing from Danielson.

a. **Independent Claims 1, 8, and 15**

The Applicants' independent claim 1 recites, in part: "A point of sale system, comprising: . . . an application facility coupled to said central database facility via an electronic data network and configured to . . . process said data related to said items in **real time via said at least one user interface to facilitate a POS operation related to said items.**" The Applicants' independent claim 8 recites, in part: "A system for facilitating real-time web based point of sale operations, comprising: . . . a plurality of client data processing facilities coupled to said central data management facility via an electronic data network, . . . each client data processing facility configured to . . . **access said central database management facility in real-time to retrieve data related to at least one of said items to facilitate a remote point of sale related operation.**" Similarly, the Applicants' independent claim 15 recites, in part "A method for facilitating real-time, web-based point of sale operations, comprising the steps of: . . . at said application facility, processing said data relating to said items in **real-time via said at least one user interface to facilitate a POS operation related to said items.**" Thus, in the Applicants' claimed invention, **there is real-time communication between the application facility (or the client data processing facility) and the central database facility during the POS operation.**

In contrast to the claimed invention of the Applicants' independent claims 1, 8, and 13, the Danielson reference merely describes a system and method in which an

in-store, multiple device communication unit 20 is coupled to a plurality of individual devices 21A-21N (which may include a POS device), and “receives data from the respective devices (21A-21N) at random times via respective communications links adapted to the respective devices.” See, e.g., Danielson, Column 3, Lines 63-68. The data collected from individual devices 21A-21N then may be transmitted to a central site via a single phone line. See, e.g., *Id.* at Lines 46-50.

Nevertheless, with respect to the Applicants’ independent claims 1, 8, and 15, because individual devices 21A-21N (allegedly corresponding to Applicants’ claimed application facility or Applicants’ claimed client data processing facilities) transfer their data to multiple device communications unit 20 at “**random times**,” and multiple device communications unit 20 subsequently transmits the data from individual devices 21A-21N to the central site (allegedly corresponding to Applicants’ claimed central database facility), **there is no real-time communication between individual devices 21A-21N and the central site.** For example, individual devices 21A-21N **cannot and do not** process data related to items sold at a point of sale in real time via a user interface to facilitate a POS operation related to the items, in which data related to such user interface was received (from the central site) and processed by individual devices 21A-21N, as described in Applicants’ independent claims 1, 8, and 15.

Moreover, the system and method described in Danielson cannot be properly modified to include the above-described limitations of independent claims 1, 8, and 15 that are missing from Danielson because Danielson **teaches away** from such a modification. Specifically, in order for there to be any real-time communication between each of individual devices 21A-21N and the central site, each of individual devices 21A-

21N need to be coupled to the central site. However, Danielson states “it would be highly desirable if a group of stores in a given region could be connected in a network configuration such that the data from the individual devices of an individual store could be transmitted via a **single** phone line to a central site.” Danielson, Column 3, Lines 46-50. Therefore, Danielson clearly teaches that it is advantageous to use a **single** line to transmit data obtained from individual devices to a central site by using a multiple device communications unit to collect the data from the individual devices, and then to transmit the data to the central site via the multiple device communications unit. As a matter of fact, the use of the single line to transmit data obtained from individual devices is the entire purpose of the invention described in Danielson. See, e.g., Danielson, Column 14 (Claim 1), Lines 53-56. As such, even if the system and method described in Danielson were modified to use the Internet instead of a phone line (as suggested by the Examiner), such a modification merely would result in the multiple device communications unit being coupled to the central site via the Internet, and would **not** result in the individual devices engaging in real-time communication with the central site. Moreover, Danielson clearly teaches away from having the individual devices engaging in real-time communication with the central site because then a single line system could not be employed (the multiple device communications unit would have to be removed from the system described in Danielson and the individual devices would have to directly communicate with the central site, which would no longer be a single line system and method). In addition, changing the system and method described in Danielson to have multiple lines for allowing communication between the individual devices and the central site clearly would change the principle of operation of Danielson. Thus, those of

ordinary skill in the art at the time the invention was made would not have been motivated to modify the system and method described in Danielson to achieve the Applicants' claimed invention. Therefore, the Applicants' respectfully request that the Examiner withdraw the obviousness rejection of independent claims 1, 8, and 15, and allow the same to issue in a U.S. patent.

b. **Dependent Claims 2-7, 9-14, and 16-21**

Claims 2-7, 9-14, and 16-21 depend from allowable independent claims 1, 8, and 15, respectively. Therefore, the Applicant respectfully requests that the Examiner withdraw the obviousness rejection of claims 2-7, 9-14, and 16-21, and allow the same to issue in a U.S. patent.

CONCLUSION:

The Applicants respectfully submit that the above-titled patent application is in condition for allowance, and such action is earnestly requested. If the Examiner believes that an in-person or telephonic interview with the Applicants' representatives will in any way expedite the examination of the above-titled patent application, the Examiner is invited to contact the undersigned attorney of record. The Applicants believe that no fees are due as a result of this submission. Nevertheless, in the event of any variance between the fees determined by the Applicants and the fees determined by the PTO, please charge or credit such variance to the undersigned's Deposit Account No. 01-2300.

Respectfully submitted,

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